P7. 26-99.

G. R. S. IX-5]

Previous references.

L.R. 50-85.

1893-94

192 .

(LR.)

File No. 91-93.

Serial Nos. 1-9.

Later references.

L.R. 67-97.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-9.

In Part B for September 1895.

SUBJECT.

Appeal of Sardappa and others of Kappa taluk regarding the fine imposed on them for smuggling arrack within a hedge.

Countermarked mk

Rec'd 26/5

Kind Consultation
Appanna
Nagappa

Petr Sesharatha 2 1/2 mds
Koda permit Bull 2 1/2 mds
Rs Sers 5-1
" 5-22 4-6
Sesharatha 4 1/4 " 7-13
Respondents 6 1/2 " "
Sankaranarayana

Petition No 321 of 1894-95

Petitioners - 1 Venkappa
(alias Venkanna
alias Venkatachetty)
2 Sankaranarayana
3 Bhima Chetty

Petitioners are petty
merchants of Dollebe--,
Kopppa Taluk of the
Kadur District

They applied Ancient
the order dated 4 days
from their 5-7-1
Documentary for
being found in possession
of arecanuts
Not owned by a Native
Chief and not otherwise
liable to confiscation

The arecanuts in
attachment was
actually found in
the house of the appellant
Mr Proctor of having
A Kodava chief has
not been established
and in the absence
of any rule or usage
to the contrary it is
unsafe to infer the
ownership of property
from possession
did not suggest the
areca nut or the
the fact on the

~~Cart do it was right~~
Search as it was right.'

Appanna's (the Constables) deposition (24-1-94)

'The cart was coming along on the Sringeri - Sorlebail high-road from may gundada Sayer Katte'

5-1-94 Duffadar's report to taluk office
There are two reports

'On information received from 3 constables I searched the houses of 3 merchants. There were bags of arecanuts not covered by a Kulvee chits I have attached & sent them to taluk with the seal on'

ree mahazars by the chavgetdars on the occasion
Search of the three
ouses 25-1-94

Those merely certify to ~~that~~ the weight of the bags of arecanuts attached and that the petitioners when called upon to account for possession without rahadari, said that they obtained them in small quantities by barter from merchants & Vydeeks

5

Appellants' petition to the
amildar 29-1-94.

We obtained the arec
nuts in question in sm
quantities by barter o
Coaconuts and cereal
The Duffadar has m
an unauthorized de

Summons to petitione
Appellants. D 31-1-94
from the amildar

'Appear at Harihar
on 6th Feb '94 fo
enquiry.'

Hukum from the amildar
to the Duffadar 6-2-94

'You have not app
on the date fixed
Appear as soon a

Duffrs explanation.

'I had to meet the
and police assistan
I shall appear on
12th Feb'

The Duffadar ac
appeared before th
only on the 18th M

T. Bhima Chetty's Depn
before amildar on 6-2-94

'During last y
I purchased 2 ma
by barter & 4 ma
for cash

√

and further confiscating the amount so found

2 The facts of the case are clearly set forth in the Dy Comm^rs report of 5th June 1894

A further report about a certain manual relied on by the petitioners is dated 14th August 1894

3. The following is a precis of the evidence and deposition given before the duffadar the Shekdar and the amildar

Deposition of the 3 constables before the duffadar in the night of 14th January 1894

4. Ho Lekappa and Hanumanta Raya were going from the direction of the Sayer Kattle to their house with bags of arecanuts.

Hanumanta Raya and Lekappa were to all appearance carrying coaconuts

Krishnappa (one of the Constables) separate deposition (24-1-94)

Did We did not ~~Stop~~ the

5

I have
prepared this fact to the
magistrate.
During the current year
I have purchased 4/4
maunds in small quantities
by barter
I have been doing this for
the last 15 years
I never intended to
evade Sayer duty.'

9-2-94 Sankaracully's
deposition before me:-

It is now about 2 months
since supari was gathered
in the gardens.
Kulvar chit is not
taken every time that
a small quantity is
had by barter.
The villagers will corroborate
me in what I say as
to how I came by the
areca nuts.
I have been doing like
this for the last 12 years.
I can't say from
what particular person
I obtained the supari

Lingappah Son Hanumantappa
and Sesha Chetty were sitting
in it, the former driving
We followed the carriage
and asked wherefrom it
came. They replied that
they came from Srinjeru
When the cart stopped
at Seshamma's house, two
bags of arecanuts were
taken out and noticed by
us. When asked whether
they were covered by a
Kabadari Seshama said
"We are friends; Why are
you so particular in
hauling me up"
Thereupon one of us went to
fetch the duffadar But
when he arrived the house
were shut. It being late
at night then, we could not
search. I don't know the
names of the Panchayat-
dars who assisted in the
search on the morning of
the 26th (Jan)

(one of the three Constables)

V. No 49's deposition before amildar (12-2-94)

'2 bags of arecanuts w
dropped at Hanumant
Shop. + 3 bags at Shek
house.
It did not occur to
to stop the carriage
at the police statio

am² to Shekdar of Bussunge hobli (7-3-94)

'send Records. Inqu
whether the assertio
the accused about ma
(that of buying arecanu
by barter in small qu
without Kulvarchi)
true. you must ma
a searching enquir
submit a report in 3
urgent'

VI Shekdar's report to amildar (21-3-94)

'In enquired of the pa
and Shanbogue. That
petty merchants bu
Supari from Danak
Vydeeks in small q
is true and a bad custo

6

I did not smuggle the
Sepoy as asserted by the
Duff[2] and contradicts on
the night of the 24th Jan[y]

III Venkappa's dep[t]
before the Asst (6-2-94)

'I have known Chuk
for 2½ months not 5
the 5 months. I saw 4 lbs
tolas of Sepoy found
in my house
The cash was taken
with my brothers who
afterwards produced it
I can't say from what
particular person I
got the balance (5[T]-½
month) without Cash
Cash as I got them
in small quantities'

IV Before Asst (12-2-94)
Constable No 39½ Rajaratna
(one of the three contables)

'I and my comrades there
returned for duty & contd
the ~~two~~ and report the
contradictions of the
Coffee and Sago Acts.
We have a carriage, having
the police station.

9

Read depositions from
Mem to Local

Final amended Affidavit
7-3-94

You are summoned on
6-2-94. you had your
were sent. Read Sunday
Certificate; read expl.
The bag you sent was properly
marked with name of
You are accused of
oppressing the merchants.
Why did you not conduct the
search with manners?
or with kindness?
Why did you not inform
yourself of the local
custom urged by the
petitioners?
Under what authority did
you search the houses?'

Draft of Explanation.
24-3-94

'1° The search was authorized
under a certain false
Circular from the Jemadar
2° Petitioners' assertions
should not be given

4

[illegible] Pabel's deposition before amuldar (30-3-94)

'I have not known a case hitherto of the accused evading Layer duty.
I Put my signature to the mahazar prepared by the duffadar in the beach
the duffadar was inside I stayed outside'

[illegible]. Gopalaiah (Gumasta of Buggange Katte Manegar) deposition before amuldar

'The mahazar as per statement is known to me.
Kulvar duty is taken from the Pabel only when the stock is big enough to be sold
The accused have never been hitherto convicted of evading Layer duty.
The accused may have some balance of their credit in the account of the Maggunda Katte but not as mine'

10

any weight I have
not noticed the local
manner urged by the
petitioners
3° manager and Sheldon
not at Colleboil at
the time: I did not
know where they were
4° I shall attend in
person with the Punchayet
dars.

VII Before cross-examination
by Defendant's Counsel
26-3-94

I have not brought any
a case like this all over.
I did not send the subpoena
found in Rama Mantappa's
house as I ~~had~~ was informed
there was a Kolwa chit
Rama Mantappa was not
one of the panchayetdars
though I had so some from the beginning
It was a mistake
Sheldon not at Colleboil

the conduct of the police, who ~~from~~ then ~~then~~ statements are to be believed might have caught the accused red-handed in the act of smuggling and yet acted very unwisely in making a search, ~~and~~ has raised the issue about local custom."

XII. D C's order thereon (13-4-94)

This order was subscribed on the back of the Asst C's report. The order says that the accused have not satisfactorily accounted for the possession of Sapan without sahadari.

Petition No 3218 5-5-94 from the appellants & the Govt Office

The petition points out a serious mistake in the D C's order and endorsements. While Seshappa had Kalvarchit for 2½ maunds, the credit

The conduct of the police, who ~~have~~ their statements are to be believed, must have caught the accused red-handed in the act of smuggling and yet acted very unwisely in making a search which has raised the usual about-local custom.'

XII. DC's order thereon (13-5-94)

This order is in duplicate on the back of the Asst's report. The order says that the accused have not satisfactorily accounted for the possession of Sugar without Rahadari.

Petition No. 321 5-5-94 from the appellants & the fine Rs

The petition points out a serious mistake in the DC's order and endorsements. While Serbaspa had Rahadari for 2½ maunds, the credit

14

(See Para 5 of Order dated 5th June 1894 & also the documents annexed & underlined in red pencil)

Given to Khanchetty

Pers Khanchetty's fine appl to be increased

Cobale Sethupa's to be reduced respective of the result of the appeal

MT 22/6/95

N.B. A Case Similar to the above is to be found in the Monthly Proceedings for December-1891 (Petition Part-II Last Case)

P.S. A petition from Gundraya Shopkeeper, Kankapur is also submitted herewith as he is the purchaser of the Supari attached in the above case He complains that the Supari has not yet been delivered on the ground of an appeal having been preferred by the alleged smugglers.

MT 22/6/95

formalively barred.
If it is true that the
Police Officers who have
given evidence in
this case actually
followed the tent and
witnessed
the removal of two
bags it is incredible
that they would have
permitted the bags
to be taken inside
the house - This evidence
is not disputed - One
of the appellants
is shewhabbe has
made out a prima facie
case for the grounds but strongly
enough the fact upon
which this man is
seeking that that
awarded to Bheemadeth.
On the whole the evidence
is not sufficient to
establish to support a
conviction of murder
against the appellants.
The order of the 2nd
Court is reversed &
the fine and sentence
ordered to be returned
to the appellants.

T. S. [illegible]

Bombay 22nd July 1895.

Received the 24th July 1895.
Copy received
for respondent
[illegible]

The Court reserved
for judgment
[illegible]

Indian.

The provided extract of the decision appears to be a brief summary and does not seem able to provide the original legal text relating to that case.

In that case the owner of a garden allowed its produce to be used as Indian chit to another villager in return for making arrangements to send the article to Kalte within the time allowed by Inamul. It was found that year after year he had been allowed to take Indian chit one time after removing the foliage from the garden so that he had brought no increase in produce, the decision was given in favour of Inamul that the grant of land under Indian chit are not granted as a gratuity and have certain [illegible]

In the case in question the [illegible] were not [illegible] but [illegible] who received Indian chit, [illegible] mendicants & coolies who received small quantities as alms from garden owners. The [illegible] would have

the case quoted by
Mr I. Iyer & the
one cited in the
present case. But
I beg to submit
that a man in
possession of a large
quantity of Indian
or any other duty paid
article is bound to
show how he came
by it - In the absence
of a Sulkwar chit
or Non Mort ~~as explained~~ by him,
the presumption is
that he has smuggled
the article. The
onus of displacing
this presumption
rests upon
him. However
that may be, I
submit that in
the present case
it does not matter
as I can produce any
any legal proposition
as regards
the burden of
proof - The clan-
destine removal
of the Indian
into the manufac
of the Petn &c

alleged by the
Police has not
been substantiated
& established - On
the other hand
the Peters have
shown that they
obtained the
article from
merchants &
coolies in small
quantities - They
have also proved
by the testimony
of the Sheriff &
Village officials
that it is not
usual to obtain
Kulan chits in
respect of such
purchases until
the time arrives
selling out the article
or removing it
from the Village -
The Sheriff has
has subpoenaed
this Gentleman as

Ly

The petitioner relies on
by the Rates - On
this ground alone
the Amendment
order dismissed
by the Magistrate
can be set aside
as unsustainable.
Under these circum-
stances I beg respe-
fully to suggest
an alternation of
the wording of
the order. CL
14-8-95.

Mr Mehta
Please appreciate
Mr order & Mr M
it may be typed
please do so
MMS
15/8/95.

Typed
16/8/95

Dictated but not
read

DFS MMS
20-8-95

Circular No 5, dated 2nd March 1868

To, The Superintendents
of Divisions and Police

Sir,

I have the honor by desire of the Commissioner, to enclose for your information and guidance, as well as for general publicity in your Division, a Rule declaring that the smuggling of Gooparee shall be liable to be punished by fine or imprisonment, in addition to confiscation of the smuggled article

Signed F. Cunningham
Secretary.

Rule for the punishment of Smuggling Gooparee -

The punishment of confiscation of goods, or of fine, which is awarded in

in the 10th para of the Sayer Ordinance of the 5th May 1840, ——————— having been found inadequate to repress the Smuggling of Sooparee, it is hereby declared that should any quantity of Sooparee pass the Chowkies, without payment of the regulated duty; mixed up with the Halat ane, the chole, together with Bullocks, guarding bags &c &c shall indiscriminately be seized and confiscated to the Circar.

It is further declared that the Smugglers shall be liable in addition to the confiscation of the articles, to fine, not exceeding in any case, the sum of Five hundred Rupees, and in default of payment of such fine, to imprisonment, not exceeding twelve months.

Signed J. Cunningham
Secretary

Read & drop
2nd March 1858

LR 41-93-1

(General Serial No. 32.)

189...4

(4)

No. 3218

Name of Petitioner (1) Chapra Kazi
— Kapra and 6 / Nimasette

Village Allebile

Taluk Kapra

District Nadiad

Date of Arzi 5 — 5 — 94

Date of Receipt 6 — 5 — 94

Date of Disposal

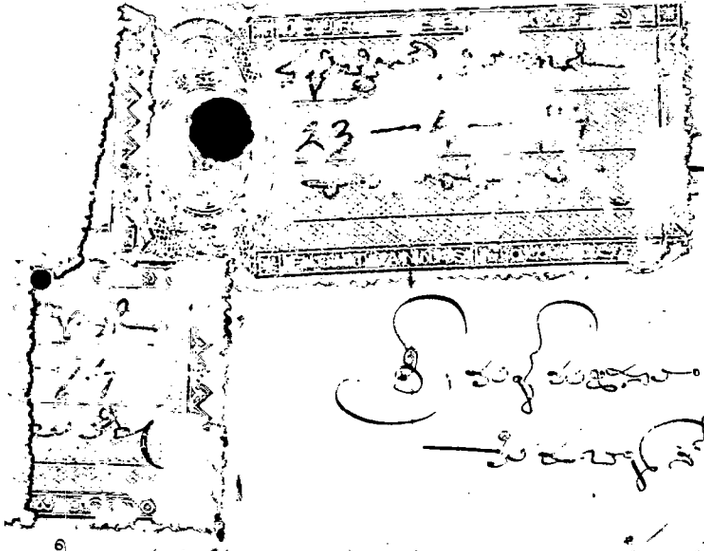
No. of Enclosures Nil

ABSTRACT.

supposed circumstances (i.e. 10 mds beg. maximum + 1/2 md. permitted) Judgment Rathore to be affirmed And the commodity confiscated for Govt: (2) That no article found with petitioners was of similar description and quality attached by the Magistrate brought under Govt. Order, Contrabd. Order passed, (3) That the Amildar on enquiry found the petitioners not guilty & reported the same to Govt. Commr. & the effect (4) That Engaging of the merchants in those parts will elicit ample proof of the practice in question and (5) That there are Govt. records also to prove the same.

Pray that petition be admitted, their commodity released, & also that pending the disposal of their appeal the collection of the fine ordered & the sale in default of the articles may be kept in abeyance.

SKB



(4)

REG'D. NO. 3/2/15 (A)

DATE 7-6-74

2 R's stamp affixed 9-5

ಸಂಖ್ಯೆ ಸೂಚನೆ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ.

೪ ಮೇಲಾಧಿಕಾರಿಗಳು ಸಂಖ್ಯೆ ಮೇರೆಗೆ ಸೂಚನೆ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ.

ಸಂಖ್ಯ

3	ఈ వ్యక్తి సంతకాన్ని నమూనా	4	0	22
2	(సంతకం) ధృవీకరణ నమూనా	7	13	18
	మొత్తం ధృవీకరణ నమూనా	5		

5 ఇచ్చిన వివరాలను బట్టి ఈ వ్యక్తి యొక్క సంతకాన్ని ధృవీకరించడానికి ఉపయోగించే నమూనా

6 ఇచ్చిన వివరాలను బట్టి ఈ వ్యక్తి యొక్క సంతకాన్ని ధృవీకరించడానికి ఉపయోగించే నమూనా

7 ఇచ్చిన వివరాలను బట్టి ఈ వ్యక్తి యొక్క సంతకాన్ని ధృవీకరించడానికి ఉపయోగించే నమూనా

8 ఇచ్చిన వివరాలను బట్టి ఈ వ్యక్తి యొక్క సంతకాన్ని ధృవీకరించడానికి ఉపయోగించే నమూనా

399

Attested

Advocate

401

No. 3218-
34.15

MYSORE DEWAN'S OFFICE, 29-5-94

PETITION DEPARTMENT,

23° May 1894

29

(7)

Endorsement granted to Bhimashetty, residing in Salebyle, Udipa Taluk

in reply to telegram ~~Petition Registered No.~~ _____ dated 18th May 1894.

Petitioner is informed that that the subject matter of his complaint is under enquiry & orders will be passed in due course.

2. The reply pass for one rupee received with his telegram above referred to, is herewith returned.

"By Order"

Chief Secretary.

28/5/94

Mysore Govt. Central Pres[illegible]2-93—2000.

LR 79-94-3

No. Pet 1928

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

(6)

OFFICIAL MEMORANDUM.

LR 91-93-2

The accompanying Petition No. 3218 Regd
dated 5th May 1894 received at the
Dewan's Office from Seshappa, Shanka-
-rappa and Bhimaletty of
Sollebile, Koppa Taluk, appealing
against the order of the Deputy
Commr, Kadur Distt, fining them
Rs 50, 70 & 20 respectively for being
found in possession of Areca-nut
~~is forwarded together with its~~
without Kulavar Chit or Rabadari
~~enclosures to the~~
is forwarded with its three
enclosures to the Deputy
Commr, Kadur District, for
an early submission of
the entire Proceedings and a full
report on the subject.

By Order,

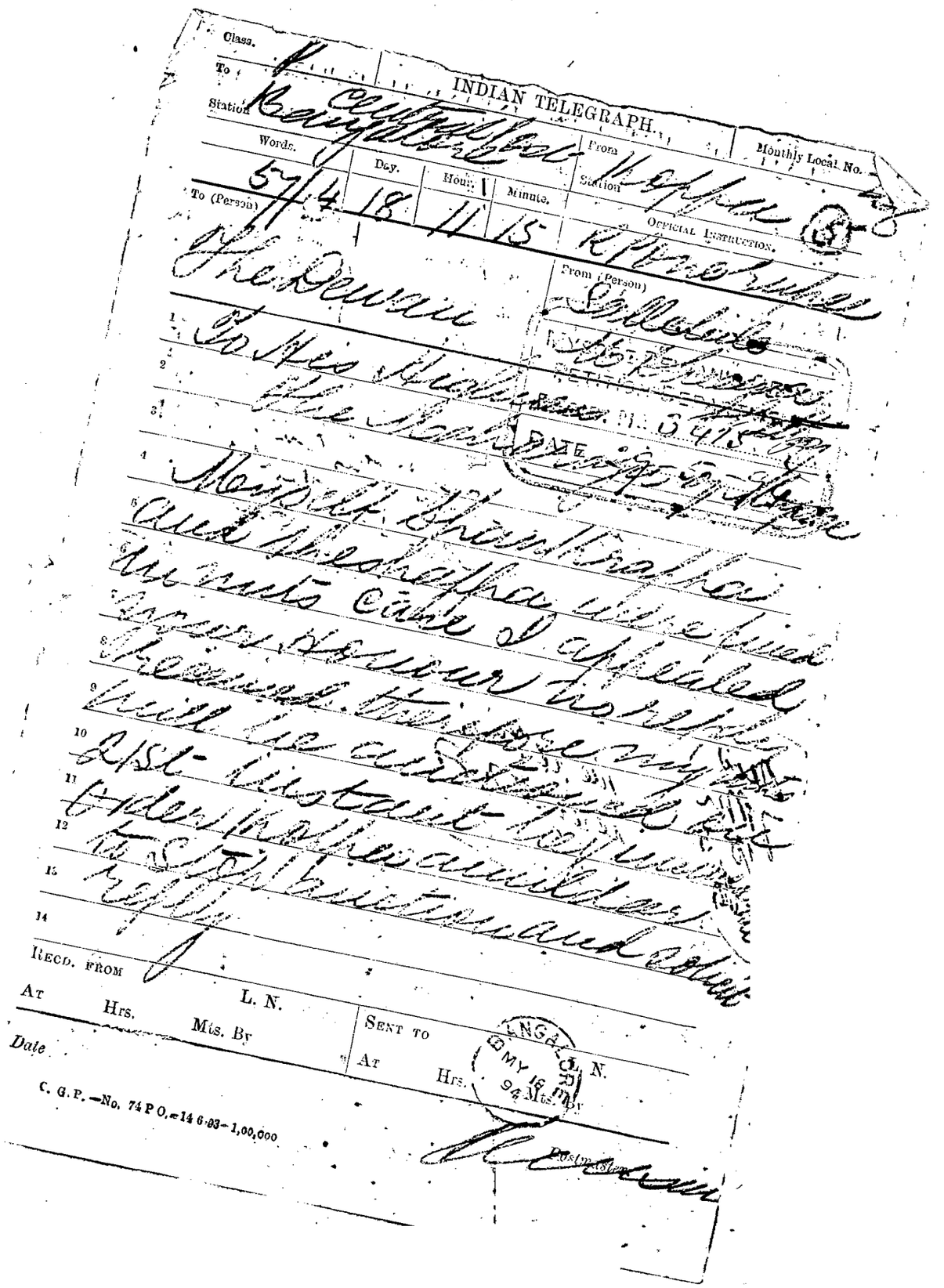
Draft.
(Rev. Councillor's order)

BANGALORE, 23
May 1894 29

Chief Secretary.

25/5

M. G. C. P. Bangalore.—17-11-92—3,000.



Class.

To

INDIAN TELEGRAPH.

Station

Monthly Local No.

Words.

Day.

Hour.

Minute.

From Station

To (Person)

Official Instruction.

From (Person)

1

2

3

4

5

6

7

8

9

10

11

12

13

14

Recd. from

At Hrs. Mts. By

L. N.

Sent to

At Hrs. Mts. By

L. N.

Date

C. G. P.—No. 74 P O.—14 6·03—1,00,000

Deputy Commissioner's Office
Kadura District

No 555

Encl: 4 and a file of Ver. Lett.

Dated, Kadurmagaiva, 5th June 1941.

(8)

From

The Deputy Commissioner
Kadura District

To

The Chief Secretary to the
Government of Nigeria

Sir,

With reference to your official letter No. 1928 dated 23rd May 1941 forwarding for report with forwarding a petition from Ekeanyia, Kankanyia and Tsiama chiefs of Kofia Ciniti against the order of fines passed on them by the Chiefs for having found in possession of arrowroot without Native chit or Certificate, I have the honour to report as follows:—

1. Facts of the case. — The appellants from

the record that on information received by the Superintendent of the Colonies station on 21st June last, that the petitioners were removing into their homes some supposed to evade payment of their rents, the employed constables Sinclair, Gilfillan and Craig to make enquirements on the road from Colonie to Kapia. At dusk, these constables saw a cart passing in charge of Hammond and petitioner Mackay. It stopped near petitioners dwelling house, and from it a bag containing nuts were removed into his house. The Superintendent was afterwards not present on the spot, but being informed of the circumstances went there, and it being late, it being in the night, declined

the

2/

against the Supplicant and his fraudulent enterprise and illegal exercise, in spite of their protest and explanations that they bought the liquor formal with them from merchants and received some in exchange for grain similarly, for the sake of starting, for which no further suit was necessary according to manner, under which it was taken out again to avoid to others.

6. The Commissioners caused the liquor to be weighed and found the quantity with each to be as follows:-

Names	Barrels by Police			Barrels by Commissioners			Excise			Less		
	Number	Gallons	Litres	Number	Gallons	Litres	Number	Gallons	Litres	Number	Gallons	Litres
Shishapika	6	22	-	6		33	-	1	-	-	-	-
Sanitaryika	6	23	-	7	3	33	-	-	-	-	33	3
Bhima Shetty	1	3	-	1	0	22	-	3	0	-	-	-
Total	13	13	-	14	23	1	-	23	0	-	33	3

(38)

the search till next morning, placing
constables Krishnappa and Appanna
on guard over the house. It is alleged
that at the same time Bhima Shetty
and Sankanappa were seen by con-
stable Nagappa carrying loads contain
-ing supari on their heads into their
houses; intimation of this was also
given to the Duffedar. He directed
constable Nagappa to guard their
houses also for the night.

3. On the 25th morning, the Duffedar
assembled a panchayet consisting
of persons named in the margin,
and caused
searches to be
made in the
houses of the
petitioners. D
the search, sup
as shown
in the marg
was foun

× Hanumantappa
Sollabile Nagappa
Krishnappa, Shanbhog
Mallappa, Patel
Gopaulah
Lingappa

Sankanappa 6½ Maunds
Bhima Shetty 4¼ —do—
Sheshappa — 5 Maunds
and 22 Seers.

4. On the morning of the 25th, the Duffedar also desired to search the house of one Lingappa on suspicion, but as his wife protested against the search and the male members not being present in the house, the Duffedar seems to have thought it advisable to make over the quantity found in the house, viz, 2 bags, amounting to 12 Maunds, to the charge of the patel to prevent its being made away with. Subsequently, however, the Duffedar being satisfied that the supari found in the house of Lingappa was satisfactorily accounted for left it to remain with the patel and took no further action regarding it; but however duly reported the case against Bheshappa, Sankanappa and Bhimashetty to the Amildar.

5 On the 29th, petitioners complained to the Amildar against

He then issued summonses and examined the petitioners, constables and Rupidara, Sheikdar Lilia Ea, Chandhoy Dhaimajhia, Jhoti Dhaijaja and the Changsars of Bugganji and Meghnadkattaya. The petitioners repeated what they had urged before the Rupidara, namely, that the distraint which was financiated by them from mendicants, &c, resided in that was chit in the fines of stealing and denied having brought it them on their cart or on load hoais on the 2nd January, arrested by the police.

7. Sheikdar Lilia Ea, Chandhoy Dhaimajhia, Changsars Gopichand and Changajhia, and Sotichhalia Jhoja, all stated that it was customary with petitioners, like others in the place, to distraint cattle in cases of non-payment from mendi

- cants

merchants who receive them as also from circuitous disposed persons, and who re-sell them in exchange for grain without a Customs exit; that such a Customs exit as Petitioner was anxious necessary to be obtained from the petitioners firm, in their turn, sold the cigars so obtained, in large quantities to other merchants. They further stated that concerning the foregoing transactions, they did not deem that there was any dishonest intention on the part of the petitioners to evade payment of duty to Government, inasmuch as petitioners were only selling the cigars but were not selling it to any purchasers.

5 It will be observed from the report of the Chemists that he considered that the Appellate

would have acted wisely had he instead of giving the petitioners the chance of taking the appeal into their hands, stopped the case on the way and taken steps himself at once, thereby saving much labour, yea, applauded. It will also be cleared from the case, that the Christian agreed with the plaintiff, therefore, yea when he had examined, neglecting the fact that appeal proceeded from mendicants and received in matters needed no Christian skill or Christian reasoning to the contrary of the plaintiff, except when called again, so that would entail many charactrips as explained in the report, and also pointed out that in the case of petitioners charaipa, out of the 5 allowed found in the procession a per-

-mit

Ll 79-94-5

(General Serial No. 20.)

189

OFFICE OF THE
2022
17 AUG. 94
P&H
MYSORE

From

The Deputy Commissioner
Kadur District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 14th August

Despatched 15th

Received

Enclosures No.

General No. 81
No. 1894-95

Reporting the existing practice in Kolha Taluk regarding the disposal of Sapari obtained by mendicants as charity.

Submitted to the Council.
This is a Continuation of Kadur Dy Commr's Report No 656 dated 5th June 94.

Ll 20/8

Hon Irst Councillor directed the rules relating to Sapari be furnished

Ll 30/10

Rules put up

Ll 20/12

Mount Rice
is clear about
the Kan-avaru
& file - & especially
the evidence
must
26/4/95

Pet. Branch
27/8 Ll

Rec'd
1878.

permit to sell 2/2 Maunds had been obtained.

9 The Deputy Commissioner, Mr. Spankie, apparently not being satisfied with the evidence adduced in the case, considered that the petitioners had not satisfactorily accounted for the Supari found in their possession and passed the order dated 13th April 1894, marked A in the file, and fined the petitioners as mentioned therein and confiscated the Supari.

10. In submitting the above report as directed, with the entire proceedings connected with it, I beg to state that, on reading the file, it struck me that this practice of receiving Supari from merchants either for money or barter without a Kuttan chit or

or any permit, was a dangerous one, possessing every tendency to encourage smuggling on the part of the receivers and sellers the minor officials in the discharge of their duty. I have therefore requested the amildan to inform me, since when this practice is in vogue, is any limit placed on the quantity so received, his opinion in the matter, ~~&c &c~~, and shall take the necessary action to protect Government interests.

I have the honor to be
Sir
Your most obedient Servant

Officiating Deputy Commissioner
Kaduna District

Deputy Commissioner's Office
Kadur District
Chikmagalur 4th August 1894

From

The Deputy Commissioner
Kadur District

To

The Chief Secretary to the
Government of Mysore

Sir

With reference to this office letter
No 56 dated 5th June 1894, submitting
a report on the petition of Lachaiya
and others of Kalkere, Birur Taluk, ap-
pealing against the order of fines
imposed upon them by Mr. Clarke
for evasion of duty on Kudari and
your Proceedings No 20 dated 3rd July 1894
P. 187
requesting the communication of the addi-
tional information called for from
Kadur Amildar in regard to the practice
observed in this Taluk regarding obtain-
ing Kudaram Sittu on small quantities
received from Mendicants and others,
I beg to state that the Amildar reports
that there exists no practice of the Mendi-
cants or Coolies obtaining Kudaram Sittu
for the quantity of Kudari received from

Please see file of Revenue if there is any reference on the subject vide subject

8/5

Up to date no reference pending in this branch

8/5

Please ascertain if any reply has been received & disposed of

27/5

Un Branch

28/5

Sir,

The report in question has not been received in this branch.

28/5/95

Subject to the above observation no report seems to have been made to Govt as stated by Petr.

30/5

I remember the case mentioned above. Please see whether any reply has been received from the Collector of Kaira.

31/5/95

No reference on the above has been made in the Revenue Branch from Collector of Kaira

1/6/95

Gen. Serial No. 32.]

1895

No. 2994

Name of Petitioner. Gundacharya, Kopikop

Village. Vanjhanpur

Taluk. Kapadvanj

District. Kaira

Date of Arzi.

Date of Receipt. 10-5-95

Date of Disposal.

No. of Enclosures.

ABSTRACT.

Extract

The petitioner prays that he might be granted the land held by the Ameen of Kapadvanj the unregistered areca-nut and paid for it, but as the areca nut was not handed over to him, he submitted petitions, but in reply the Ameen granted Government No. 294 of 3-4-94 which is as follows:-

You having submitted a petition to the District praying that the areca-nut belonging to Lallubhai Bhima Seth you

LR 94-6

(28)

each individual as a charity, but that after the alms are collected and made into a stock these mendicants or Coolies pay the Sayer duty for the total quantity collected by them at the time of transport. But when the article is sold by these men to the local merchants, the latter get it weighed and take out a Dulwar Chit from the local Patel. In the latter case, it is mentioned in the Dulwar Chit the quantity collected by them from mendicants and that purchased from retail vendors, these particulars being also entered in the Register of receipts and expenditure maintained by the Manegar as a debit against the stock outstanding. The Amildar further states that it is not possible to ascertain the exact quantity received as charity or obtained in barter by each individual and to issue Dulwar Chits to them accordingly, as in the season of harvest a large number of people receive Supari in quantities, even weighing a tola or so. He however adds that there appears to be no evasion of payment of duty as

(24)

merchants and retail vendors, and Merchants and _____ Lambar nies obtain Rahadaries at the time of export, or the local merchants take out Pulwar Chits when they dispose of the article to another in the place.

I have the honor to be

Sir

Your most obedt Servant

J. McCausland

Asst. & Dy Commr

Madura District

purchased at auction might be caused to be handed over to you, the deputy Commissioner has issued Mutkum No 172 directing you to enquire upon what the case has been applied to Court and that you should wait for its decision.

The petitioner urges that he bought the articles at the auction with a view to earn some profit, that the suit has been spoiled, that he has incurred loss as he had no interest for the amount paid by him and that consequently he is not in need of the spoiled suit.

Pray that orders may be issued to return to him the sale amount with interest thereon and also to compensate him for the loss sustained by him.

Gen. Serial No. 31.
453

REVENUE DEPARTMENT
Gl. No. 1257
No.
14 AUG 95
DEWAN'S OFFICE

From The Deputy Commr
Nadiad District

To The Revenue Secretary to the
Government of Bombay

Dated 10th
Despatched 11th August 95
Received

Enclosures No. one
General No. 124 } 95-96
No.

Bombay letter No 81 dated
14th August 1895, reporting
the practice existing in the
Kaira Collectorate regarding the
disposal of liquor obtained
by manufacture &c as claimed
in connection with the appeal
preferred by one Lachhma
and others of Kanbis, Kaira
Taluk.

Have the honor to request the
favor of an early reply to
the above, as the Mamlatdar
reports that the guardian
of the minor girl in the
case is demanding the return
of the sale proceeds there
of with the loss accruing
to him. Vide enclosed petition

(5)

Explain how pulmonary circulation differs from systemic circulation.

+ + +

Describe the structure of the heart wall. 2. ...

tion received with immediate
reference No. 65 dated 30th July
last.

Deputy Commissioner
Kaira District

Draft

Gen. 31.] 1895

(12)

LR 7994-9

From The Revenue Secretary to the Govt of Mysore.

To The Deputy Commissioner Kadur District.

Dated
Despatched 11 September.
Received

General No. 961
No. 620

Enclosure No. one

Kadur Deputy Comr's No. 122 dated 13 August, 95 requesting early orders in the matter of the confiscation of the Sapari found in the possession of Seshagiri, Shanbaraya, an Bhumareddy of Sollikile, ~~the same was not covered by a Tadapatri duly signed.~~

In reply to the above the Deputy Commissioner is

LA 74-94-8

Draft

(11)

(55)

Read:-

* Petition no 3218 dt 5-5-94 from, seshappa, shankarappa and Bhimashetty, ~~appealing against~~ of Sollebile, Koppa taluk, Kadur District appealing against the orders of Kadur Dy Commissioner fining them Rs 50, 40, & 20 respectively for being found in possession of areca nut not covered by a Kulwar chit or radhari, and also ordering the confiscation and sale of the areca nut so found.

(2) Correspondence ending with Kadur Deputy Commissioner's letter no 81 dated 14th august/94. submitting ~~the~~ proceedings and a report in re the above case, and also ~~and~~ stating the practice ~~obtaining~~ obtaining in the Koppa taluk in regard to the disposal of supari obtained by mendicants as charity

Order No 2287 (P. 453) dt 22.8.95

The areca nut in attachment was actually found in the house of the appellants. The invariable

(56)

practice of having Kuluvar chits has not been established, and in the absence of any rule or usage to the contrary it is unwise to throw the onus of proof proving a negative – that the persons in possession did not smuggle the areca nut – on them. The fact must be affirmatively proved. If it is true that the Police officers who have given evidence in this case actually followed the cart and witnessed the removal of two bags, it is incredible that they would have permitted the bags to be taken inside the house. This evidence is suspicious. One of the three appellants viz seshappa has produced Kuluvar chits for two and half maunds but strangely enough the fine inflicted upon this man is heavier than that awarded to Bheemathelly. On the whole the evidence is not sufficient or reliable to support a conviction of smuggling against the appellants. The order of the Deputy Commissioner is reversed and the fine and areca nut ordered to be returned to the Appellants.

HBh
22/8

Revenue Secretary

C2.

Clk
10-8-95

To

The Deputy Commissioner
Kadur Dist
returning the vernacular
correspondence [illegible]

Referred to ~~the~~ Govt order.

No 2287/P453 dt. 22-8-95 ~~d~~

issued from this office on the 29th Idem. [illegible] The enclosures received with this draft under reply is herewith ~~returned~~ returned.

B. O.

7/9/95

Revenue Secretary.

Draft-

Letter

7-9-95-